06-O-0784

City Council
Atlanta, Georgia

AN ORDINANCE **Z-06-**
BY: IVORY LEE YOUNG, JR. Cleta Winslow Kwanza H

AN ORDINANCE TO REZONE FROM C-5-C (CENTRAL BUSINESS SUPPORT—CONDITIONAL), C-3 (COMMERCIAL RESIDENTIAL), C-3-C (COMMERCIAL RESIDENTIAL—CONDITIONAL) AND SPI-1 (SPECIAL PUBLIC INTEREST CENTRAL CORE) TO MRC-3-C (MIXED RESIDENTIAL COMMERCIAL—CONDITIONAL), CERTAIN PARCELS LOCATED IN THE CASTLEBERRY HILL NEIGHBORHOOD, AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the property located in the Castleberry Hill neighborhood, and more specifically identified on the map attached hereto and incorporated herein by this reference, be changed from C-5-C (Central Business Support—Conditional), C-3 (Commercial Residential), C-3-C (Commercial Residential—Conditional) and SPI-1 (Special Public Interest Central Core) to MRC-3-C (Mixed Residential Commercial—Conditional).

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled "Conditional Development" as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance area hereby repealed.

GENERAL CONDITIONS FOR THE CASTLEBERRY HILL MRC

1. Prohibited principal uses and structures.
    a. Automobile service stations, car washes.
    b. Commercial greenhouses.
    c. Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly and similar uses with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors and amusement arcades.
    d. New and used car sales.
    e. Repair garages, paint and body shops.
    f. Security storage centers.
    g. Drive-through service windows and drive-in facilities.

2. Permitted Accessory Uses and Structures.
   Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises and such merchandise shall occupy not more than 25 percent of the total floor area on the premises.

3. Prohibited special use permits.
    i. Bingo parlors.
    j. Helicopter landing facilities or pickup or delivery stations.
    k. Hospitals.
    l. Park for hire surface parking lots.
    m. Poolrooms, billiard parlors, amusement arcades.
    n. Rooming houses and boardinghouses.
    o. Single room occupancy residences.
    p. Truck stops.

4. Building façade materials.
   Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the facades of the principal structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Aluminum siding and vinyl siding are not permitted on any façade.

5. Roofs.
   Roofs of new construction, additions or alterations shall either be flat or pitched only if such pitched roofs are not visible from a public street due to parapet walls or other façade treatments.

6. Roof top structures.
    e. All components of a structure or addition on the roof of a principal building visible from a public street shall be metal or masonry.

f. The enclosed floor area of a structure shall not exceed 25% of the total roof area, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator and stair landings.
g. Enclosed structures shall not exceed 10 (ten) feet in height above the parapet wall and shall be setback no less than 10 (ten) feet from all street-fronting facades.
h. All components of a structure or addition on a roof of a principal building shall be set behind the parapet wall.

7. Transitional uses and yards.
   d. Adjoining lot with same frontage.
      Add LD to list of districts.
   e. Transitional height planes.
      Add LD to list of districts and delete "without an intervening street".
   f. Transitional yards.
      Add LD to lists of districts and delete "without an intervening street".

8. Sidewalks
   Public sidewalks shall be located along all public streets and shall have a minimum width of fifteen (15) feet along Northside Drive, Martin Luther King, Jr. Drive and Centennial Olympic Park Drive, and ten (10) feet along all other streets. Clear zone requirements. For all ten-foot wide public sidewalks, the clear zone shall be minimum width of five (5) feet.

9. Relationship of building to street.
   a. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes are prohibited and shall not be located between a building and the street.

10. Tree preservation and replacement.
    The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code section 158-26 shall apply to this district.

SPECIFIC CONDTIONS FOR THE CASTLEBERRY HILL MRC-3-C

1. Maximum building heights
   Structures or portion of structures shall have a maximum height of 70 feet within 150 feet of the Castleberry Hill Landmark District boundaries with a maximum height of 150 feet beyond 150 feet of the Castleberry Hill Landmark District boundaries.

Proposed Castleberry Hill MRC-3-C Zoning District

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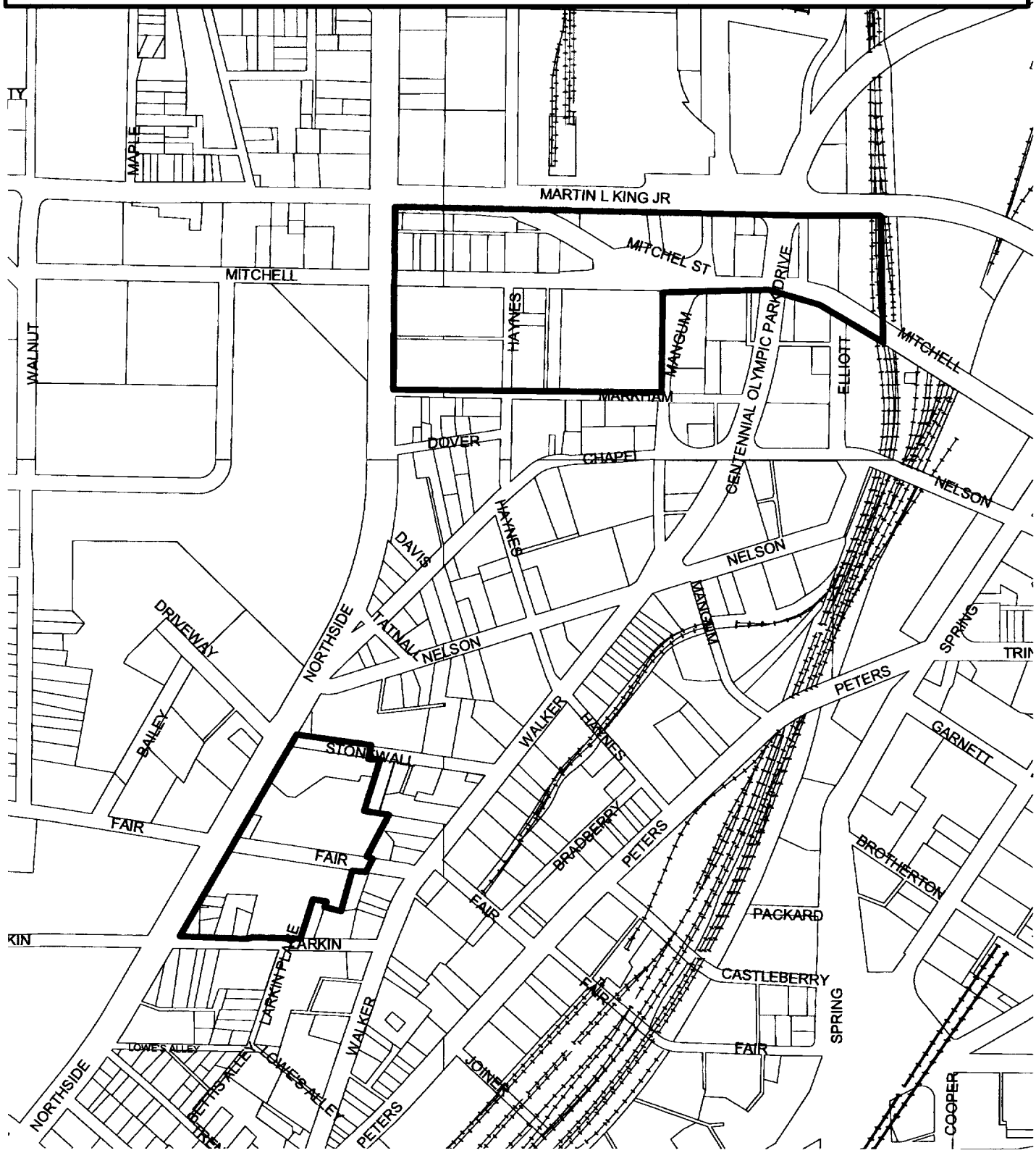
Map produced by the Atlanta Urban Design Comm., 3/15/06.